

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SONITHA SCALES, ALICIA THOMAS,
STEPHEN MCNUTT, JEFF PORTER, &
PAUL SIMONE, individually, and on behalf
of all other similarly situated individuals,

Plaintiffs,

v.

JAY MCGRAW; ERIC WELCH;
CREDITSERVE, INC.; MINTO FINANCIAL,
d/b/a MINTO MONEY; and JOHN DOES 1-
10,

Defendants.

Case No. 1:24-cv-11575

Judge: Hon. Manish S. Shah

**DEFENDANTS' JOINT UNOPPOSED MOTION FOR LEAVE TO FILE RESPONSIVE
PLEADINGS AFTER THE COURT'S RULING ON DEFENDANTS' MOTIONS TO
COMPEL ARBITRATION**

Defendants hereby respectfully submit this Joint **Unopposed** Motion For Leave to File Responsive Pleadings After The Court's Ruling on Defendants' Motions to Compel Arbitration. Defendants respectfully request that in the event that this Court denies Defendants' concurrently filed Motions to Compel Arbitration, that Defendants be granted **fourteen (14) days** from the issuance of such orders, and upon the resolution of any related appeal proceedings, to respond pursuant to Fed. R. Civ. P. 12. Good cause exists to grant the motion.

1. Plaintiffs filed the Complaint in this matter on November 11, 2024. (*See* Dkt. 1.)

Plaintiffs filed an Amended Complaint in this matter on January 15, 2025. (*See* Dkt. 30.)

2. Plaintiffs purport to represent a class of aggrieved borrowers who each applied online for, and received, funding for loans through loan agreements that contain valid, binding, and unambiguous arbitration provisions. As a result, Defendants brought two Motions to Compel Arbitration.

3. Defendants' Motions to Compel Arbitration satisfy their immediate obligation to respond to the Complaint. *See, e.g., Green Tree Fin. Corp.-Ala. v. Randolph*, 531 U.S. 79, 83 (2000) ("In lieu of an answer, petitioners filed a motion to compel arbitration, to stay the action, or, in the alternative, to dismiss.").

4. However, out of an abundance of caution, Defendants respectfully seek leave to (and will) file substantive motions to dismiss or other responsive pleadings within: (A) fourteen days from the issuance of orders denying Defendants' Motions to Compel Arbitration and upon resolution of any related appeal proceedings or (B) in accordance with any other schedule set by the Court.

5. On March 19, 2025, undersigned counsel conferred with counsel for Plaintiffs regarding this Motion prior to its filing. Counsel for Plaintiffs indicated in writing that they do not oppose this Motion.

6. The foregoing extension request is not being made for the purpose of delay, and is made in good faith and for the purposes of efficiency and judicial and party economy. Since this matter is still in its early stages and Plaintiffs have indicated that they do not oppose, the requested extension will not result in any prejudice to anyone or impact the timely resolution of this case.

7. Thus, "good cause" exists for granting this Motion for at least the reasons above.

8. In seeking the foregoing extension, Defendants do not waive, and expressly reserve, all defenses relating to the Amended Complaint, including jurisdictional defenses, any arbitral rights, and the right to move to dismiss, if/when appropriate.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court enter an order stating that in the event that Defendants' Motions to Compel Arbitration are

denied, Defendants have leave to file a Fed. R. Civ. P. 12 response within (A) fourteen days from this Court issuing an order denying Defendants' Motion to Compel Arbitration and the conclusion of any related appeal proceedings or (B) in accordance with any other schedule set by the Court. A proposed order will also be submitted to chambers.

Dated: March 21, 2025

Respectfully submitted,

By: /s/ A. Paul Heeringa

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By: /s/ Emily Feinstein (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that, on March 21, 2025, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic docket.

/s/ A. Paul Heeringa

A. Paul Heeringa